

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Case No. 02-02474
)	
KMART CORPORATION, et al.,)	(Jointly Administered)
)	Chapter 11
)	
Reorganized Debtors.)	Hon. Susan Pierson Sonderby

**PROPOSED AGENDA FOR
OMNIBUS HEARING SCHEDULED FOR JANUARY 25, 2005**

Set forth below is a proposed agenda for the Omnibus Hearing scheduled for January 25, 2005 beginning at 10:00 a.m. (this "Proposed Agenda").

In order to avoid any unnecessary confusion, Please review this Proposed Agenda carefully and note all the matters in which you are interested. Certain matters have been set for specific hearing times at the Omnibus Hearing.

The information contained in this Proposed Agenda reflects documents received in our offices as of the date hereof. Counsel for Kmart Corporation ("Kmart") has served a copy of this Proposed Agenda on the Master Service List.

Please note that this Proposed Agenda refers to certain pleadings docketed under the former PACER numbering system, up through Docket No. 13016. All pleadings at Docket No. 13063 or higher have been docketed under the new ECF numbering system.

The Court has ordered that the Hearing shall be held in **Courtroom 1903**.

The matters set for hearing are divided into the following categories for the purposes of this Proposed Agenda:

- I. Miscellaneous Matters
- II. Improperly Noticed Matters
- III. Personal Injury Matters
- IV. Real Estate Matters For Status
- V. Claim Objection Matters
- VI. General Matters
- VII. Adversary Proceeding Status Hearings and Motions
- VIII. Contested Matters
- IX. Claim Objection Matter and Oral Rulings - set for 2:00 p.m.

I. Miscellaneous Matters

1. PricewaterhouseCoopers LLP Final Fee Application (Docket No. 15717)

Filings: *The Kmart Corporation Joint Fee Review Committee Report Regarding the Final Application of PricewaterhouseCoopers, LLP (Docket No. 27288); Notice of Filing (Docket No. 27289)*

Status: *This matter is set for a continued status hearing.*

2. Motion of Kevin T. Keating and Mark E. Shure for Leave to Withdraw as Attorneys for Claimant Lydia Tamburini (Docket No. 27187)

Status: *Kmart does not object to the relief requested in the motion.*

II. Improperly Noticed Matters

3. Motions with No Notice of Hearing Date:

- Motion-Pro Hac Vice of Carl L. Collins (Docket No. 26914)
- Motion of Marion Stafford to Terminate or Modify Automatic Stay/Plan Injunction (Docket No. 26915)
- Motion of Lydia Socia to Allow a Stay of the Bankruptcy Order (Docket No. 26918)
- Motion of Jacinta Ocampo to Allow a Stay of the Bankruptcy Order (Docket No. 26933)
- Motion of Ethelwaldo Arocho to Lift Stay Order and/or Relief From the Plan Injunction (Docket No. 26973)
- Motion of Evelyn Garcia to Lift Stay Order and/or Relief From the Plan Injunction (Docket No. 26974)
- Motion of Miriam Vargas to Lift Stay Order and/or Relief From the Plan Injunction (Docket No. 26975)
- Motion of Carolina Guadarrama to Lift Stay Order and/or Relief From the Plan Injunction (Docket No. 26976)
- Motion of Personal Injury Claimant, Mary A. Schmitt, for Order Deeming Claim #54310 as Timely Filed (Docket No. 27008)

- Motion of Carmen Ruiz Requesting Relief From Orders (Undocketed)
- Petitioner Christina Alexander Motion to Set Aside Order Granting Relief Requested in 21st Omnibus (Undocketed)
- Motion of Sheldon and Mary Funk for Relief From Automatic Stay (Undocketed)
- Motion of Douglas County Treasurer to Allow Claims Beyond Bar Date (Docket No. 27234)

Filings: Certificate of Service of Notice to Parties that Filed Motions Without Hearing Dates (Docket Nos. 27296 and 27297)

Status: Kmart will submit an order striking the above motions.

4. Motions With Improper Notice:

Status: Currently, there are no entries in this category.

5. Late Claim Motions Reset Per Request of the Court:

Late Claim Motions Noticed for the January 25, 2005 Omnibus Hearing but Reset for Off-Omnibus Late Claim Hearing Dates Per Request of the Court:

Reset for 2:00 p.m. on February 2, 2005 for status only:

- Motion of Yvonne Goins for Leave to File a Late Filed Administrative Claim Instantly (Docket No. 27188)
- Motion of Sylvia Louis to File a Late Notice of Claim (Undocketed)

Status: Kmart will submit a draft order resetting the motions as set forth above.

III. Personal Injury Matters

6. Parties with Motions For Relief From Plan Injunction:

- Motion of Alfred Fulton for Relief From the Automatic Stay (Docket No. 27176)
- Motion of Leroy Thomas Holt for Relief From the Plan Injunction (Docket No. 27232)

- Motion of Norma Basurto (Claimant No. 53562,55999) for Relief From the Automatic Stay and Discharge (Docket No. 27247)

Status: *Kmart will submit agreed orders for all of the parties in agenda item 6. Agreed orders for any parties not received prior to the omnibus hearing, will be submitted when they are finalized after the hearing.*

7. Motion of Charles A. Maalea for Extension of Time on Administrative Questionnaire (Docket No. 21576)

Status: *A draft order adjourning the matter to March 22, 2005 will be submitted.*

8. Motion of Connie Gay, Personal Injury Claimant, to Modify Plan Injunction (Docket No. 26208)

Status: *By agreement of the parties, a draft order adjourning the matter to March 22, 2005 will be submitted.*

IV. Real Estate Matters For Status

9. Cure Claims

Filings: *Debtors' Motion for Order in Furtherance of Designation Rights Order, Pursuant to 11 U.S.C. § 365 and Fed. R. Bankr. P. 6006, Authorizing Assumption and Assignment of Lease for Store No. 3792 (Burke, Virginia) to Wal-Mart Real Estate Business Trust (Docket No. 8370); Kmart's Omnibus Objection to Non-Expedited Landlord Cure Claims (Docket No. 15410); Cure Claims re 2003 Closing Store Lease (Stores 7359 and 9330) (Docket No. 10271); Reorganized Debtors' Third Supplemental Omnibus Objection to Lease Cure Claims for Mis-Directed Claims (Docket No. 19570); Certificate of Service (Docket No. 19677); Stipulation Resolving Certain Lessor Objections to Confirmation and Establishing Agreed Claim Resolution Procedures (Docket No. 11063); Hearing on Cure Claim re 2003 Closing Store Lease (Stores 7605) (Docket No. 10728; related to Docket No. 11076*

Status: *A draft order adjourning the above matters to March 22, 2005 will be submitted.*

10. Status hearing on REMIC matters:
- Status Hearing regarding rejection claims with respect to store nos. 3294 and 4901
- Status: *A draft order adjourning the above matters to March 22, 2005 will be submitted.*
11. National Property Analysts/San Mateo Matters
- Status: *A draft order adjourning the above matters to March 22, 2005 will be submitted.*
12. Objections of Powerline to Agreed Order Resolving Lease Rejection Claim for Kmart Store 1868 (Docket No. 23278)
- Status: *A draft order adjourning the above matters to March 22, 2005 will be submitted.*

V. Claim Objection Matters

13. Claim Objection Matters Set for Status, to Be Continued to March 22, 2005, Omnibus Hearing Date for Continued Status Hearing:
- Status Hearing for Third Omnibus Objection to Claims (Docket No. 8886)
 - Status Hearing for Fifth Omnibus Objection to Claim (Docket No. 11317)
 - Status Hearing for Seventh Omnibus Objection to Claims (Docket No. 13071)
 - Status Hearing for Eighth Omnibus Objection to Claims (Docket No. 13137)
 - Response of Gregg S. Treadway (Docket No. 15913), Claim No. 42205
- Filings: *Kmart Corporation's Supplemental Statement Re Objection to Claim of Gregg Treadway (Docket No. 27285); Notice of Filing (Docket No. 27286)*
- Status: *This matter is set for a status hearing.*
- Status Hearing for Ninth Omnibus Objection to Claims (Docket No. 13074)

- Status Hearing for Tenth Omnibus Objection to Claims (Docket No. 13073)
- Status Hearing for Eleventh Omnibus Objection to Claims (Docket No. 13928)
 - Claim of Escambia County, Florida

Status: This matter is resolved and an agreed order has been circulated.
- Status Hearing for Twelfth Omnibus Objection to Claims (Docket No. 17013)
- Status Hearing for Thirteenth Omnibus Objection to Claims (Docket No. 17014)
- Status Hearing for Fourteenth Omnibus Objection to Claims (Docket No. 18473)
- Status Hearing for Sixteenth Omnibus Objection to Claims (Docket No. 19602)
- Status Hearing for Eighteenth Omnibus Objection to Claims (Docket No. 19680)
- Status Hearing for Nineteenth Omnibus Objection to Claims (Docket No. 20650)
 - Responses of Four Seasons Service Group (Claim No. 23095), F.S.A., LLC, Claim No. 22890 and Suncast Corporation, Claim Nos. 202 and 4097

Filings: Kmart's Supplemental Pleading in Further Support of Nineteenth Omnibus Objection to Claim Number 23095 Filed by Four Seasons Service Group (Docket No. 25302); Kmart's Supplemental Pleading in Further Support of Nineteenth Omnibus Objection to Claim Number 22890 Filed by F.S.A., LLC (Docket No. 25293); Kmart's Supplemental Pleading in Further Support of Nineteenth Omnibus Objection to Claim Numbers 202 and 4097 Filed by Suncast Corporation (Docket No. 25290); Motion by Claimant F.S.A., LLC to Compel Discovery (Docket No. 26784); Motion by Claimant Four Seasons Service Group to Compel Discovery (Docket No. 26785)

Status: *These matters are set for status hearings.*

- Response of “K” line America, Inc. (Docket No. 21410),
Claim No. 40818

Status: *This matter is set for a status hearing.*

- Response of Suntrust Bank (Docket No. 21663)

Status: *This matter is set for a status hearing.*

- Claims of Philip Morris Capital Corporation

Status: *This matter is set for a status hearing.*

- Response of FLOORgraphics, Inc. (Docket No. 21312) Claim
No. 42242

Filings: *Debtor Kmart Corporation’s Motion for Bifurcation
and for Modification of the Scheduling Order of
January 11, 2005 and Notice of Motion (Docket No.
27291)*

Status: *This matter is set for a status hearing.*

- Status Hearing for Twentieth Objection to Claims (Docket No. 20651)

- Response of Palatine Associates, LLC (Docket No. 23235),
Claim No. 54115

Filings: *Kmart’s Supplemental Pleading in Further Support
of Objection to Claim Number 54115 Filed by
Palatine Associates (Docket No. 25299)*

Status: *This matter is set for a status hearing.*

- Claims of Rubloff Development Group (Docket No. 22738)

Status: *This matter is set for a status hearing.*

- Status Hearing for Twenty-First Omnibus Objection to Claims (Docket
No. 20652)

- Status Hearing for Twenty-Second Omnibus Objection to Claims
(Docket No. 24531)

Status: *The above Omnibus Objections to Claims are set for a
status hearing. A draft adjournment order will be
submitted continuing these matters to March 22, 2005 for a
status hearing.*

14. Reorganized Debtors' Twenty-Third Omnibus Objections to Claims (Docket No. 25213)

Status: *The Debtor will file a report after the hearing on issues the Court raised at the December 14, 2004 omnibus hearing regarding the timeliness of the objection.*

15. Reorganized Debtors' Twenty-Fourth Objection To Claims (Certain Duplicate Claims, Amended/Superseded Claims, Late Claims, Noncompliant Claims, Unsupported Claims, Satisfied Claims And Dismissed Litigation Claim) (Docket No. 26181); Notice of Hearing (Docket No. 26182); Certificate of Service (Docket No. 26196); Kmart Corporation's Supplement to Twenty-Fourth Omnibus Objection to Claims (Docket No. 27210)

Status: *Kmart will submit a draft order for those claimants that did not respond to the Twenty-Fourth Objection or the Supplement. This matter is set for a status hearing with respect to those claimants that responded or that received an extension of time to respond, and will be continued to March 22, 2005 for a status hearing. A draft order will be submitted to chambers after the Omnibus Hearing.*

16. Kmart's Motion for Entry of Second Supplemental Order Disallowing and Expunging Certain Proofs of Claim as Set Forth in the Twentieth Omnibus Objection (Certain Lease Related Damages Claims) (Docket No. 25660)

Filings: *Objection of J.P. Morgan Trust Company, National Association, as Trustee to the Motion for Entry of Second Supplemental Order Disallowing and Expunging Certain Proofs of Claim as Set Forth in the Twentieth Omnibus Objection (Docket No. 25847)*

Status: *This matter is set for a status hearing as to claims of JPMorgan. The objection to the claims of JPMorgan will be continued to March 22, 2005 for a status hearing and accordingly, a draft adjournment order will be submitted.*

17. Motion for Entry of Third Supplemental Order Disallowing and Expunging Certain Proofs of Claim as Set Forth in the Twentieth Omnibus Objection (Certain Lease Related Damage Claims) (Docket No. 26171)

Filings: *Objection of J.P. Morgan Trust Company, National Association, as Co-Trustee, to the Motion for Entry of Third Supplemental Order Disallowing and Expunging Certain Proofs of Claims As Set Forth in the Twentieth*

Omnibus Objection (Docket No. 26412); (I) Objection of S.S.M. Realty Management Inc. and Selma Miller to Debtors' Motion for Motion for Entry of Third Supplemental Order Disallowing and Expunging Certain Proofs of Claim as Set Forth in the Twentieth Omnibus Objection; (II) Response to the Twentieth Omnibus Objection; and (III) Motion to Vacate, Alter, Amend and/or Reconsider the Order Dated April 1, 2004 and Any Other Non-Consensual Orders Concerning Claims Numbered 41467 and 53190, and for Related Relief Pursuant to 11 U.S.C. §§502(j) and 105(a) and Federal Rules of Bankruptcy Procedure 3008, 7052(b), 9006, 9023 and 9024 (Docket No. 26439)

Status: *This matter is set for status regarding objections to Claim No. 49818 (WRI Golden State LLC), Claim No. 43202 (JPMorgan Trust Company, NA) and Claim No. 37988 (Tyler Texas Ltd. Partnership). Kmart's objection to the above claims will be continued to March 22, 2005 for a status hearing and accordingly, a draft adjournment order will be submitted.*

18. Kmart's Objection and Motion to Determine Claim of Expeditors International of Washington, Inc. (Claim No. 48257) Under 11 U.S.C. §§ 102(1), 105(a), 502(b), and 506 Fed.R.Bankr.P. 3007 and 3012 (Docket No. 26369)

Filings: *Expeditors International of Washington, Inc.'s Response to the Debtor's Objection and Motion to Determine Claim of Expeditors (Claim #48257) (Docket No. 26873)*

Status: *By agreement of the parties, a draft order adjourning the matter to March 22, 2005 will be submitted.*

19. ES Bankest LLC's Motion to Compel Payment of Administrative Expense Claims (Docket No. 15676)

Status: *By agreement of the parties, a draft order adjourning the matter to March 22, 2005 will be submitted.*

20. Objection to Claims of IBJ Whitehall Business Credit Corporation (Docket No. 18082)

Status: *By agreement of the parties, a draft order adjourning the matter to March 22, 2005 will be submitted.*

21. Lennar Partner, Inc.'s Motion to Set a Trial Date (Docket No. 27214)

Status: *Kmart does not oppose the relief requested in this motion.*

VI. General Matters

22. Motion of Alice J. Orrino for Relief From the Plan Injunction/Motion for Relief From the Automatic Stay (Docket No. 24556)

Filings: *Kmart's Objection to Motion for Relief From Plan Injunction/Motion for Relief From Automatic Stay by Alice J. Orrino (Docket No. 27301); Notice of Filing (Docket No. 27302)*

Status: *By agreement of the parties, a draft order adjourning the matter to March 22, 2005 will be submitted.*

23. Verified Motion of Melissa Washington to Reconsider (Docket No. 27086)

Status: *A draft order adjourning the above matters to March 22, 2005 will be submitted.*

24. Verified Motion of Brandee Walker b/n/f Melissa Washington to Reconsider (Docket No. 27087)

Status: *A draft order adjourning the above matters to March 22, 2005 will be submitted.*

25. Claimant, Clifford Sundmacher's Motion for Relief From the Automatic Stay and to Modify the Discharge Injunction to Liquidate Claim (Docket No. 27132)

Status: *Kmart will submit an agreed order resolving this matter.*

26. Motion to Vacate Order Entered Improperly Reducing the Claim of Waterbury Garment Corp. (Docket No. 27010); Notice of Filing of Amended Certificate of Service (Docket No. 27074)

Status: *By agreement of the parties, a draft order adjourning the matter to March 22, 2005 will be submitted.*

27. Motion for Order Vacating Order Disallowing Claim of International Pavement Solutions in Part, Memorandum of Points and Authorities; Declarations of M. Jonathan Hayes, Dennis Riegler (Docket No. 26735)

Status: *By agreement of the parties, a draft order adjourning the matter to March 22, 2005 will be submitted.*

28. Claimant Kanisha Pitts' Motion for Enlargement of Time and Objection to Disallowance (Docket No. 26554)

Status: *This matter has been resolved and Claimant has indicated that they will be filing a notice of withdrawal of this motion.*

29. Claimant Catherine Lippolis' Motion for Enlargement of Time and Objection to Disallowance (Docket No. 26555)

Status: *This matter has been resolved and Claimant has indicated that they will be filing a notice of withdrawal of this motion.*

30. Motion for Entry of an order compelling Debtors to [I] immediately cure post-petition defaults under special retention agreements, and [II] assume or reject special retention agreements by John Owen and David Montoya (Docket No. 2965)

Status: *By agreement of the parties, a draft order adjourning the matter to March 22, 2005 will be submitted.*

31. Varilease Matters (Docket Nos. 2936, 9049, 10594, 10757, 10889, 17938 and 18585)

Status: *This matter is set for status except as to Pullman Bank which matter is set for a scheduling conference. A scheduling order regarding Pullman Bank will be submitted.*

32. Icon Capital Corporation's Motion to Compel Payment of Post-Petition Taxes (Docket No. 8386)

Filings: *Debtors' Response to Motion of Icon Capital Corporation to Compel Payment of Post-Petition Taxes (Docket No. 19674), Amended Certificate of Service (Docket No. 19683)*

Status: *This matter is set for a status hearing.*

33. Motion of the Insurance Company of the State of Pennsylvania on Behalf of Itself and Certain Affiliates of American International Group, Inc. to Compel the Debtors' Compliance With the Terms of the First Amended Plan of Reorganization (Docket No. 23775)

Status: *This matter is set for a status hearing.*

34. Motion to Authorize Distribution to Inland Realty Trust Pursuant to Agreed Order and to Disallow Competing Claim of Montrose Development, Inc. and Any Other Claims in Connection With the Rejection of the Lease for Store 4764 (Docket No. 26220)

Filings: *Montrose Development, Inc.'s Objection to Kmart Corporation's Motion to Authorize Distribution to Inland Realty Trust and to Disallow Competing Claim of Montrose Development, Inc. and Any Other Claims in Connection With the Rejection of the Lease for Store 4764 (Docket No. 26403)*

Status: *This matter concerns competing claims on account of a lease. Kmart expects that the claimants will address the manner in which their dispute should be resolved.*

35. Motion of DDR MDT Midway Marketplace LLC to Clarify This Court's April 15, 2003 Order Authorizing Assumption and Assignment of Certain Property to Wal-Mart (Docket No. 25402)

Filings: *Limited Response and Reservation of Rights of Kmart Corporation to Motion of DDR MDT Midway Marketplace LLC to Clarify this Court's April 15, 2003 Order Authorizing Assumption and Assignment of Certain Property to Wal-Mart (Docket No. 25798); Objection and Response of Wal-Mart Stores, Inc. to Motion of DDR MDT Midway Marketplace LLC to Clarify This Court's April 15, 2003 Order Authorizing Assumption and Assignment of Certain Property to Wal-Mart (Docket No. 25794); Reply Brief in Support of DDR MDT Midway Marketplace's Motion to Clarify This Court's April 15, 2003 Order Authorizing Assumption and Assignment of Certain Property to Wal-Mart (Docket No. 25879); Kmart's Supplemental Pleading Addressing This Court's Post-Confirmation Jurisdiction to Adjudicate the Motion of DDR MDT Midway Marketplace LLC to Clarify This Court's April 15, 2003 Order Authorizing Assumption and Assignment of Certain Property to Wal-Mart (Docket No. 26173); Supplemental Brief of DDR MDT Midway*

Marketplace LLC in Support of its Motion of DDR MDT Midway Marketplace LLC to Clarify This Court's April 15, 2003 Order Authorizing Assumption and Assignment of Certain Property to Wal-Mart (Docket No. 26178)

Status: *This matter is set for a status hearing.*

VII. Adversary Proceeding Status Hearings and Motions

36. Kmart v. Philip Morris, Adv. No. 03-01696

Filings: *Motion to Amend Joint Written Discovery Plan (Docket No. 46); Philip Morris USA, Inc.'s Response to Motion to Amend Joint Written Discovery Plan by Kmart Corporation (Docket No. 49); Kmart's Reply to Philip Morris USA's Objection to Kmart's Motion to Amend Joint Written Discovery Plan (Docket No. 50); Notice of Filing (Docket No. 51)*

Status: *The Motion to Amend Discovery Plan is going forward.*

37. Kmart v. Woodmont Real Estate, Adv. No. 03-01213

Status: *A draft order adjourning the matter to March 22, 2005 will be submitted.*

38. Daniel Kamin Enterprises v. Kmart, Adv. No. 03-01854

Status: *This adversary is set for a status hearing.*

39. Kmart v. Franchise Tax Board of California, Adv. No. 03-1420 and Motion of Franchise Tax Board to Dismiss (Docket No. 4)

Filings: *Memorandum of Law in Opposition to Defendant Franchise Tax Board's Motion to Dismiss Filed by William J. Barrett on behalf of Kmart Corporation (Docket No. 12); Reply to Kmart's Response to the Motion to Dismiss Filed by Lawrence S Fischer on behalf of State of California Franchise Tax Boards (Docket No. 15)*

Status: *This matter is set for a status hearing.*

40. Kmart v. Samsung Electronics America, Inc., Adv. No. 03-01820

Filings: Samsung Electronics America, Inc.'s Motion for Partial Summary Judgment (Docket No. 22); Kmart Corporation's Response to Samsung Electronics America, Inc.'s Statement of Undisputed Material Facts and its Statement of Additional Facts That Require Denial of Partial Summary Judgment (Docket No. 36); Kmart Corporation's Supporting Memorandum of Law in Opposition to Samsung Electronics America' Inc.'s Motion for Partial Summary Judgment (Docket No. 35); Notice of Filing (Docket No. 37); Notice of Motion and Motion of Kmart Corporation for Leave to File Instantly a Memorandum in Opposition to Samsung's Motion for Partial Summary Judgment in Excess of 15 Pages (Docket No. 34)

Status: The motion for partial summary judgment is set for status. The parties may request either further briefing or that oral argument on the motion be set.

41. Motion for Entry of Order in Each and Every Preference and Fraudulent Transfer Adversary Proceeding Regarding Treatment of Kmart as Consolidated Entity for Purposes of Trial or Insolvency (Docket No. 26371)

Filings: Response of Daewoo Electronics Corporation of America and Samsung Electronics America, Inc. to Kmart's Motion for Entry of Order in Each and Every Preference and Fraudulent Transfer Adversary Proceeding Regarding Treatment of Kmart as Consolidated Entity for Purposes of Trial or Insolvency (Docket No. 26442); Uniden America Corporation's Objection to Motion for Entry of Order in Each and Every Preference and Fraudulent Transfer Adversary Proceeding Regarding Treatment of Kmart as Consolidated Entity for Purposes of Trial or Insolvency (Docket No. 26443)

Status: This matter is set for a status hearing. Kmart will request that the Court set deadlines for Kmart to respond to Uniden's objection, for Uniden to file a reply, and that the motion be continued for a hearing to the March 22, 2005 omnibus hearing.

42. Kmart v. Harvard Real Estate-Allston, Inc. Adv. No. 04-02556

Filings: Kmart's Motion to Dismiss Case Without Prejudice (Docket No. 33); Opposition of Harvard Real Estate-Allston, Inc. to Kmart Corporation's Motion to Dismiss Without Prejudice (Docket No. 37); Notice of Filing (Docket No. 38); Kmart Corporation's Reply to Harvard's Objection to Motion to Dismiss Without Prejudice (Docket No. 40); Notice of Filing (Docket No. 41)

Status: This motion is going forward.

43. Kmart v. Gator Daytona Partners and Gator Fairhaven, Adv. No. 04-03129

Status: This adversary is set for a status hearing. Kmart recently filed an amended complaint and will request that the Court set a date by which an answer or other response must be filed.

44. Kmart v. Barth & Dreyfuss of California, Adv. No. 03-01836

Status: A draft order adjourning the matter to March 22, 2005 will be submitted.

45. Kmart v. The McClatchy Company, McClatchy Newspapers, Inc., Adv. No. 04-143

Filings: Motion for Leave to Withdraw as Counsel for Los Banos Enterprise and Merced Sun Star (Docket No. 25)

Status: Kmart does not oppose the relief sought in this motion.

46. Trumbull Group, LLC v. Kmart Corporation, Adv. No. 04-03075

Status: This adversary is set for a status hearing.

VIII. Contested Matters

47. Motion of Bay Valley Shopping Center Associates, LLC for Reconsideration of Order Disallowing Lease-Rejection Claim for Kmart Store No. 6924 (Docket No. 26435)

Filings: Kmart's Objection to the Motion for Reconsideration of Order Disallowing Lease-Rejection Claim for Kmart Store No. 6924 (Docket No. 26860); Notice of Filing (Docket No.

26861); *Reply Brief in Support of Motion of Bay Valley Shopping Center Associates, LLC for Reconsideration of Order Disallowing Lease-Rejection Claim for Kmart Store No. 6924 (Docket No. 27230)*; *Notice of Filing (Docket No. 27221)*; *Kmart's Surreply in Further Support of its Objection to the Motion for Reconsideration of Order Disallowing Lease-Rejection Claim for Kmart Store No. 6924 (Docket No. 27299)*; *Notice of Filing (Docket No. 27300)*

Status: *By agreement of the parties, a draft order adjourning the matter to March 22, 2005 will be submitted.*

48. Motion of Michelle Langel for Reconsideration (Undocketed); Amended Notice of Filing and Hearing (Docket No. 26193)

Filings: *Kmart's Objection to Motion of Michelle Langel for Reconsideration of Order Denying Motion to Deem Administrative Expense Claim Request Allowed as Timely Filed [Undocketed] (Docket No. 27293)*; *Notice of Filing (Docket No. 27294)*

Status: *This matter is going forward.*

IX. Claim Objection Matter and Oral Rulings - set for 2:00 p.m.

49. Status on response filed by Robert L. Bomar to Debtors' Twenty-First Omnibus Claim Objection (Response Docket No. 22529)
50. Motion for Disallowance of and Objection to Claim No. 52552 (Franchise Tax Board of California) Under 11 U.S.C. §§ 102, 105, and 502 And Fed. R. Bankr. P. 3007. (Docket No. 20637)

Filings: *Response of Franchise Tax Board of California to Motion or Disallowance of and Objection to Claim No. 52552 (Franchise Tax Board of California) Under 11 U.S.C. §§ 102, 105, and 502 And Fed. R. Bankr. P. 3007 (Docket No. 23883)*; *Kmart's Reply to Response of Franchise Tax Board of California to Motion or Disallowance of and Objection to Claim No. 52552 (Franchise Tax Board of California) Under 11 U.S.C. §§ 102, 105, and 502 And Fed. R. Bankr. P. 3007 (Docket No. 24284)*

Status: *This matter is set for an oral ruling.*

51. Connor Children's Trust. v. Kmart Adv. No. 03-01411

Filings: Kmart's Motion for Summary Judgment (Docket No. 21)

Status: This matter is set for oral ruling.

Dated: Chicago, Illinois
January 21, 2005

Respectfully submitted,
KMART CORPORATION, et al.,

By: William J. Barrett
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